

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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10 Attorneys for Plaintiff
11 U.S. EQUAL OPPORTUNITY COMMISSION
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APR 22 2008

at 7 o'clock and 01 min. M.
SUE BEITIA, CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

12 U.S. EQUAL OPPORTUNITY COMMISSION,
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14 Plaintiff,
15
16 v.
17
18 HOLY FAMILY ACADEMY,
19
20 Defendant.

Case No.:

CV 08-00179

ACK BMK

**COMPLAINT - CIVIL RIGHTS /
EMPLOYMENT DISCRIMINATION**

**Sexual Harassment
National Origin Harassment
Retaliation**

(42 U.S.C. §§ 2000e, *et seq.*)

JURY TRIAL DEMAND

Summons

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices. The United States Equal Employment Opportunity Commission ("Plaintiff" or "Commission") alleges that Defendant Holy Family Academy subjected Charging Party Roxanne Castilliano to sexual harassment on the basis of sex, female, and national origin harassment against a Filipino resulting in a hostile work environment. The

1 Commission also alleges that Defendant retaliated against Roxanne Castilliano for
2 participating in the protected activities of complaining about, opposing or
3 participating in the investigation of sexual harassment.

4 **JURISDICTION AND VENUE**

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
6 1337, 1343, and 1345.

7 2. This action is authorized and instituted pursuant to Section 706(f)(1) and
8 (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42
9 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act
10 of 1991, 42 U.S.C. § 1981a.

11 3. The employment practices alleged to be unlawful were committed within
12 the jurisdiction of the United States District Court for the District of Hawaii.

13 **PARTIES**

14 4. Plaintiff, United States Equal Employment Opportunity Commission, is
15 the federal agency charged with the administration, interpretation, and enforcement of
16 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3)
17 and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

18 5. At all relevant times, Defendant has been continuously doing business in
19 Honolulu and in the jurisdiction of the United States District Court of Hawaii. At all
relevant times, Defendant has continuously employed fifteen (15) or more persons.

20 6. At all relevant times, Defendant has continuously engaged in an industry
21 affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII,
22 42 U.S.C. § 2000e(b), (g), and (h).

23 **STATEMENT OF CLAIMS**

24 7. More than thirty days prior to the filing of this lawsuit, Roxanne
25 Castilliano filed a charge with the Commission alleging that the Defendant violated
26 Title VII. The Commission investigated and issued a Letter of Determination. The
27 Commission found that the Defendant subjected Roxanne Castilliano to a hostile work
28 environment on the basis of sex, female and national origin, Filipino. The

1 Commission also found that Defendant retaliated against Roxanne Castilliano for
2 participating in a protected activity for complaining about, opposing or participating in
3 the investigation of sexual harassment and/or national origin harassment.

4 8. Since at least 2003, Defendant subjected Roxanne Castilliano to sex
5 harassment and/or national origin harassment resulting in a hostile work environment.
6 The sex harassment included verbal comments of a sexual nature. The national origin
7 harassment included, but was not limited to, derogatory comments about Filipinos.

8 9. The effect of the practices complained as described above has been to
9 deprive Roxanne Castilliano of equal employment opportunities and otherwise
10 adversely affect her status as an employee, because of her sex, female and/or because
11 of the of her national origin, Filipino.

12 10. Since at least November 2005, Defendant has engaged in unlawful
13 employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-
14 3(a)(1). When Roxanne Castilliano engaged in the protected activity of opposing or
15 participating in the investigation of sex harassment and/or national origin harassment
16 by complaining about the sexual harassment, national origin and/or Defendant's
17 practices, policies, and procedures dealing with sexual harassment and/or national
origin, Defendant retaliated against her.

18 11. The effect of the practices complained about, as described above, has
19 been to deprive Roxanne Castilliano of equal employment opportunities and otherwise
20 adversely affect her status as an employee because she engaged in protected activities
21 under Title VII.

22 12. The unlawful employment practices described in paragraphs 8 through 11
23 above were intentional.

24 13. As a direct and proximate result of the acts of Defendant, as described
25 above, Roxanne Castilliano has suffered pain and suffering, inconvenience, loss of
26 enjoyment of life, humiliation and damages, all to be proven at trial.

27 14. As a direct and proximate result of Defendant's acts as described above,
28 Roxanne Castilliano has suffered a loss of earnings in an amount to be proven at trial.

15. The unlawful employment practices described above were done with malice or with reckless indifference to the federally protected rights of Roxanne Castilliano.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its respective officers, successors, assigns, agents, and all persons in active concert or participation with them, from engaging in any employment practices, including sexual harassment and a sexually hostile work environment, which discriminate on the basis of sex;

B. Grant a permanent injunction enjoining Defendant, its respective officers, successors, assigns, agents, and all persons in active concert or participation with them, from retaliating against any employee who opposes discrimination or engages in any protected activity under Title VII;

C. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant to make whole Roxanne Castilliano by providing the appropriate back pay with prejudgment interest, and front pay in amounts to be determined at trial, other past and future pecuniary losses, and/or other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices;

E. Order Defendant to make whole Roxanne Castilliano by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained as described above, including, but not limited to pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial:

F. Order Defendant to pay Roxanne Castilliano punitive damages for its malicious and /or reckless conduct as described above, in amounts to be determined at trial:

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

RONALD S. COOPER
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

U.S. Equal Employment Opportunity
Commission
1801 L Street, N.W.
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Date: April 21, 2008 BY:

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